

**THE LABOR COMMISSION
WORKERS' COMPENSATION ADVISORY COUNCIL**

**Thursday, January 20, 2011 – 12:00 P.M.
Room 319, Heber M. Wells Bldg.
Salt Lake City, Utah**

The following Advisory Council members were in attendance:

Ralph Astorga, President, USWA Local 392
Thomas Bingham, President, Utah Manufacturers Association
David Bird, Esq.
Jeff Rowley, Risk Manager, Salt Lake County
Dennis Lloyd, Workers Compensation Fund
K. Dawn Atkin, Attorney
Reo Castleton, President, SL Cnty Fire Dept Local 1696
Edward Holmes, M.D., Summit View Medical
Dave Davis, President, Utah Food Industry Association
Brad Tibbitts, Utah State Insurance Department
Richard J. Thorn, President/CEO, Associated General Contractors - Utah Chapter
Sen. Karen Mayne

The following Advisory Council members were excused:

Kathleen Bissell, Liberty Mutual
Rep. Mike Morley
Brian Kelm, Esq
Brandt Goble

The following Advisory Council members were absent:

Others Present:

Alan Hennebold, Deputy Commissioner
Ron Dressler, Director, Division of Industrial Accident, Labor Commission
Sara Danielson, Administrative Assistant, Labor Commission
David Lamb, Administration Director, Labor Commission
Rod Morris, Deloitte Consulting
Maggie Karpuk, NCCI
Dr. Alan Colledge, Medical Director
Representative Barrus

WELCOME

Welcome –Commissioner, Sherrie Hayashi brought the meeting to order at 12:00 p.m.

Commissioner Hayashi stated that **Senator Mayne** needed to leave early, so the legislative issues would be handled first.

1. Legislative Issues

Commissioner Hayashi turned time over the **Sen. Mayne** to discuss legislation concerning workers compensation.

Senator Mayne updated the council on the status of SB 35 “Construction Licensee related Amendments” and SB 11 “Workers Classification Coordinating Enforcement”. These two bills are scheduled to be heard on Wednesday the 26th. **Sen. Mayne** also spoke about a “waiver bill” that is coming. This bill would move

the responsibility of issuing workers compensation insurance waivers from insurance carriers to the Labor Commission, with the fees going into the IARA. She explained that doing this would necessitate a new FTE for the Industrial Accidents Division to handle that work. Some discussion was held.

Dawn Atkin stated that SB 35 and 11 are important and moved that the council vote to support both bills. **Dennis Lloyd** seconded the motion. Voting was unanimous in the affirmative.

Dawn Atkin stated that the waiver bill sounded like a good idea, however, without having the actual text to review, a vote of support was not appropriate at this time. **Dawn** moved that when the text is available, it be distributed to the council and a yea/nay vote to support be taken at that time. **Rich Thorn** seconded. Voting was unanimous in the affirmative.

Alan Hennebold introduced **Representative Barrus** who is sponsoring HB61. **Rep. Barrus** explained that HB61 would exempt small home businesses from the workers compensation system. The home business would have to be primarily done on the property and the employees would be spouse and dependents. Concerns were raised as to 1) the kinds of businesses i.e. offices verses metal working; and 2) the social costs of non-coverage.

Dawn Atkin made a motion to oppose as currently written. Further discussion was held.

Rich Thorn made a motion to oppose HB61. **Jeff Rowley** seconded. Voting was unanimous in the affirmative.

Dawn Atkin asked that if changes to HB61 were forthcoming, that the Commission pass those changes along to the council through email.

Alan Hennebold presented HB55 which would provide coverage for volunteers on county search and rescue teams. **Dennis Lloyd** explained that this bill provides only medicals. Premiums would be paid by the Sheriff's office and would require good record keeping.

Dave Bird made a motion for the council to support this bill. **Reo Castleton** seconded. Voting was unanimous in the affirmative.

Alan Hennebold presented HB188 "electronic filing" and HB209 "premium assessment". **Tom Bingham** made a motion for the council to support both of these bills. **Dawn Atkin** seconded. Discussion was held. **Dennis Lloyd** called for a vote on the motion. **Tom Bingham** seconded. Voting was unanimous in the affirmative.

2. Labor Commission Budget/Premium Surcharge Funds

Dave Lamb handed out copies of the financial spreadsheets for the IARA, Workplace safety, UEF and ERF. Mr. Lamb explained the income/expenses of each of the restricted funds.

3. Miscellaneous business

Commissioner Hayashi asked for a motion to approve the minutes of the last meeting. **Jeff Rowley** moved to approve the minutes, **Reo Castleton** seconded. Voting was unanimous in the affirmative.

4. NCCI State Advisory Update

Commissioner Hayashi introduced **Maggie Karpuk** from NCCI. Ms. Karpuk presented the state of workers compensation in Utah vs. the Country. Utah is doing quite well.

5. Rule Amendment

Ron Dressler explained that a change is being proposed to the Medical provider/First Aid rule. He handed out a draft and asked that the council review the proposal. It will be discussed at the next meeting.

Commissioner Hayashi stated that the next meeting would be on April 13, 2011, at 11:30 am for lunch and the meeting would begin at 11:45 am. There was discussion because of conflicts with that date. **Ron Dressler** will coordinate a new date.

Commissioner Hayashi adjourned the meeting at 2:30 pm.